

1. RFP Section L.11 - I. General Instructions A. Length states: The maximum length of the submitted written technical proposal shall be limited to one hundred (100) typewritten pages including all tables and figures...using no less than ten (10) point character size... Tables and figures shall use no smaller than ten (10) point character size and must be clear and readable... Bulletized or outline formats are welcomed where appropriate."

Question: Figures, such as organization charts or project milestone charts, may become cluttered and less readable if a minimum ten (10) point character size is used. For improved readability and summarization, can the ten (10) point font requirement be dropped with the "clear and readable" requirement retained. Solicitation evaluators would be free to disregard any information that was not "clear and readable" in evaluating the information.

The L.11 instruction regarding tables and figures will be changed in an amendment to the RFP to read: "Tables and figures shall use no smaller than ten (10) point character size or must be clear and readable."

2. RFP Section L.11 - I. General Instructions A. Length does not exclude Past Performance information from the page count. This would seem to discourage bidders from providing any more than the minimum information required by the RFP for Past Performance. Additional information may make it easier for to the Government in fully assess Past Performance.

Question: Would EPA be willing to exclude Past Performance information from the page count in order to allow bidders to provide information on additional similar contracts?

No, Past Performance information remains part of the one hundred (100) page limitation.

3. RFP Page L-6, Clause L.11 talks about two separate cost proposals and RFP Page L-13 through L-17 talks about the requires for one cost proposal. It seems like all of the information for the cost proposal is the same except for the pricing schedules and small business plan. Is it possible to just submit one cost proposal with the pricing schedules/small business plan for both 70% and 30% included as separate tabs?

Yes, L.11 will be changed in an amendment to the RFP to allow submission of one technical and one cost proposal for both contract awards, provided information that differs for the 70/30 split is clearly marked.

4. RFP Page L-11, Clause C-2 says resumes will be provided for all proposed staff and shall include names and telephone numbers of two (2) business references. In Clause C-3., the table of information required for all Key Personnel on Page L-12 also requires that Names, Affiliations, and Current Telephone Numbers of Two (2) Business-related References be provided.

Question: If Names, Affiliations, and Current Telephone Numbers of Two (2) Business-related References are provided in the resumes for all proposed staff, is it necessary to repeat the same information in the tables required for all Key Personnel?

The information required in the resumes and the tables is necessary.

5. Can the cells in the Table shown on Page L-12 of the RFP be rearranged differently if all cells are retained, and all cell contents remain the same?

Yes.

6. RFP Page L-12, in the Notes to the table of information required for all Key Personnel, the third bullet makes three references to the “corporate experience list.” There seem to be no other RFP references to this list. Could EPA provide additional clarification regarding this list, and what information is included?

No, the Note will be omitted from the RFP.

7. RFP Page L-15 does not include the minimum education and experience requirements for each Labor Level 1 through Level 5. To ensure consistency in solicitation responses, can EPA please provide this minimum requirement?

The following language requiring labor categories and minimum qualifications will be added by amendment to the RFP.

The following labor classification definitions are applicable for this requirement.

Professional Level 5 - Provide technical expert testimony during pre-litigation preparation, depositions, and testimony in Federal courts. Provides assistance in technical analysis of enforcement sensitive data in preparation of draft orders, negotiation documents, and settlement proposals of specific cases pertaining to individual environmental sources who have caused alleged violations. Expert assistance in support of civil actions, administrative orders and hearings, settlement negotiations and in other settlement-related proceedings.

Typical Title:

Technical Expert Witness

Normal qualifications:

Ph.D. with specific area of expertise as indicated in the SOW, or equivalent (a Master's degree plus any combination of additional years of specialized work experience and/or graduate level study in the proposed field of expertise totaling 4 (four) years; or Bachelor's Degree plus any combination of additional years of specialized work experience and/ or graduate level study in the proposed field of expertise totaling six (6) years).

Experience:

Twenty (20) years of experience in a technical field related to the SOW as well as having previously testified in Federal courts, adjudicatory and/or evidentiary hearings.

Professional Level 4 - Oversees all aspects of work performed under the contract. Ensures that Task Orders (TO) are assigned to appropriate project managers and staff, and that work is completed in accordance with the requirements of the contract and the respective TOs. Serves as the primary contact for the EPA Project Officer on overall contractual matters

Typical Title:

Program Manager

Normal Qualifications:

Ph.D. in a field related to the requirements found in the Statement of Work (SOW), or equivalent (a Master's degree plus any combination of additional years of specialized work experience and/or graduate level study in the proposed field of expertise totaling two (2) years; or Bachelor's Degree plus any combination of additional years of specialized work experience and/ or graduate level study in the proposed

field of expertise totaling four (4) years).

Experience:

Twelve (12) years or more performing work related to the requirements found in the SOW.

Professional Level 4 - Plans, conducts and supervises projects of major significance, necessitating advance knowledge and the ability to originate and apply new and unique methods and procedures. Provides technical advice and counsel to other professionals. Generally operates with wide latitude for unreviewed action or decisions.

Typical Title:

Project Manager, Senior Engineer, Senior Scientist, Senior Analyst/Planner

Normal Qualifications:

Ph.D. degree in field related to the requirements found in the SOW, or equivalent (a Master's Degree plus any combination of additional years of specialized work experience and/or graduate level study in the proposed field of expertise totaling two (2) years ; or Bachelor's Degree plus any combination of additional years of specialized work experience and/or graduate level study in the proposed field of expertise totaling four (4) years).

Experience: Ten (10) years or more performing work related to the requirements found in the SOW.

Professional Level 3 - Plans, conducts and supervises assignments normally involving smaller, routine projects, or under general supervision of project manager; plans and conducts technical components of larger projects. Estimates and schedules work to meet completion dates. Directs assistants, reviews progress and evaluates results; makes changes in methods, reviews progress and evaluated results; makes changes in methods, design or equipment where necessary. Operates with some latitude for unreviewed action or decision.

Typical Title:

Project Manager, Engineer, Scientist, Analyst/Planner, Computer Specialist, Documents/Research Specialist

Normal Qualifications:

Masters degree in a field related to the requirements found in the SOW, or equivalent (a Bachelor's degree plus any combination of additional years of specialized work experience and/or graduate level study in the proposed field of expertise totaling two (2) years.

Experience: Six (6) years or more performing work related to the requirements found in the SOW.

Professional Level 2 - Plans and conducts small, routine projects where minimal evaluation is required, or under supervision of a Project Manager or senior personnel, carries out assignments associated with larger complex projects. Translates technical guidance received from supervisor into usable data applicable to the particular assignment, coordinates the activities of juniors. Task Orders are varied and require some originality and ingenuity.

Typical Title:

Engineer, Scientist, Analyst/Planner, Computer Specialist, Documents/Research/Presentation Specialist

Normal Qualifications:

Bachelors degree in a field related to the requirements found in the SOW, or equivalent (any combination of years of specialized work experience and/or graduate level study in the proposed field of expertise totaling two (2) years).

Experience: Three (3) years or more performing work related to the requirements found in the SOW.

Professional Level 1 - Lowest or entering classification. Works under close supervision of senior personnel or Project Manager. Gathers and correlates basic data and performs routine analyses. Works on less complicate assignments where little evaluation is required.

Typical Title:

Engineer, Scientist, Analyst/Planner, Computer Specialist, Documents/Research/ Presentation Specialist

Normal Qualifications:

Associate and/or Bachelors Degree or equivalent (any combination of additional years of specialized work experience and/or college level study in the proposed field of expertise totaling two (2) years).

Experience: 0 - 3 years or more performing work related to the requirements found in the SOW.

Experience/Qualifications Substitutions:

a. Any combination of additional years of experience in the proposed field of expertise plus full time college level study in the particular field totaling two years will be an acceptable substitute for an Associates degree.

b. Any combination of additional years of experience in the proposed field of expertise plus full time college level study in the particular field totaling four years will be an acceptable substitute for a Bachelors degree.

c. A Bachelors degree plus any combination of additional years of experience and graduate level study in the proposed field of expertise totaling two years will be an acceptable substitute for a Masters degree.

d. A Bachelors degree plus any combination of additional years of experience and graduate level study in the proposed field of expertise totaling four years; or a Masters degree plus two years of either additional experience or graduate level study in the proposed field of expertise will be an acceptable substitute for a Ph.D. degree.

e. Additional years of graduate level study in an appropriate field will be considered equal to years of experience on a one-for-one basis.

8. Reference Section L.12 (page L-23 and L-24) In terms of determining for which subcontractors an offeror must include past performance information, does the referenced \$100,000 threshold in Section L.12 (a) refer to the proposed subcontract value for the total 5-year contract duration or per contract period?

The referenced \$100,000 threshold refers to the total subcontract contract value.

9. The RFP requires past performance information for all subcontractors that exceed the \$100,000 threshold. Does each included subcontractor have to include the number of contracts referenced in L.12(b) or is a lesser number sufficient?

A subcontractor that exceeds the \$100,000 threshold is subject to the requirements of L.12(b), but L.12(b) will be changed in an amendment to the RFP to require a list of three rather than five contracts completed in the last three years.

10. Is a Quality Assurance Plan required as part of the proposal? There is no mention of one in the outline for the proposal, but both the Sample Work Plan evaluation criteria (page M-2) and the management approach evaluation criteria (page M-3) reference a QAPP. Please clarify if a Quality Assurance Plan is required. If so, how will it be evaluated? We presume that such a plan would not be included in the 100-page limit; please clarify if this is correct.

The Quality Assurance Program Plan is separate from the Quality Assurance Project Plan referenced in the Sample Work Plan evaluation factor. The Quality Assurance Program Plan is part of the Management Approach evaluation factor, in which the Offeror is evaluated on the extent to which the quality assurance plan demonstrates how quality assurance/quality control procedures will yield products of high quality. Both required Quality Assurance plans are included in the 100-page limit for technical proposals. The RFP will be amended to include the following EPAAR provisions, and the M.4(5) Management Approach evaluation factor will be changed to read “the extent to which the quality assurance program plan demonstrates.....” to specify that the Quality Assurance Program Plan will be evaluated under that evaluation factor.

QUALITY ASSURANCE (QA) PROGRAM PLAN (EPAAR 1552.246-70) (APR 1984)

Each offeror, as a separate and identifiable part of its technical proposal, shall submit a Quality Assurance (QA) program plan setting forth the offeror's capability for quality assurance. The plan shall address the following:

(a) A statement of policy concerning the organization's commitment to implement a Quality Control/Quality Assurance program to assure generation of measurement data of adequate quality to meet the requirements of the Statement of Work.

(b) An organizational chart showing the position of a QA function or person within the organization. It is highly desirable that the QA function or person be independent of the functional groups which generate measurement data.

(c) A delineation of the authority and responsibilities of the QA function or person and the related data quality responsibilities of other functional groups of the organization.

(d) The type and degree of experience in developing and applying Quality Control/Quality Assurance procedures to the proposed sampling and measurement methods needed for performance of the Statement of Work.

(e) The background and experience of the proposed personnel relevant to accomplish the QA specifications in the Statement of Work.

(f) The offeror's general approach for accomplishing the QA specifications in the Statement of Work.

QUALITY ASSURANCE (QA) PROJECT PLAN (EPAAR 1552.246-71) (APR 1984)

The offeror, as a separate and identifiable part of its technical proposal, shall submit a Quality Assurance (QA) project plan which shall describe specific procedures and responsibilities needed to accomplish the QA specifications in the Statement of Work. The project plan shall consist of the following form and content:

- (a) Title page, with provision for approval signatures.
- (b) Table of contents.
- (c) Project description.
- (d) Project organization(s) and responsibilities.
- (e) Quality Assurance objectives for measurement data, in terms of precision, accuracy, completeness, representativeness and comparability.
- (f) Sampling procedures.
- (g) Sample custody.
- (h) Calibration procedures, references, and frequency.
- (i) Analytical procedures.
- (j) Data reduction, validation, and reporting.
- (k) Internal quality control checks and frequency.
- (l) Quality Assurance performance audits, system audits, and frequency.
- (m) Quality Assurance reports to management.
- (n) Preventive maintenance procedures and schedules.
- (o) Specific procedures to be used in routinely assessing data precision and accuracy, representativeness, comparability, and completeness of the specific measurement parameters involved.
- (p) Correction action.

11. Please specify the NAICS code for Section K.5, page K-4.

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12. Page L-8 notes a page limitation of four pages for Sample Work Plan Number 1. Does this page limit include milestones, staffing, etc., or is it limited to the technical approach for this work assignment? Also, there is no page limitation on the other sample work plans, nor for any other specific sections of the proposal. Are we limited to four pages for Sample Work Plan 1 or can we use our discretion as to how many pages to use for each work plan, as long as we meet the overall 100-page limit?

You may use your discretion. The four-page limit for Sample Work Plan 1 will be omitted in an amendment to the RFP.

13. Page L-14, second paragraph under "B. Labor" lists a performance period of 5/01/03 -

4/30/08. We assume this performance period is incorrect, given that 5/01/03 has already passed. Can you please provide the correct performance period?

The correct performance period is 10/01/04 - 09/30/09 and the L.11 reference will be changed accordingly in an amendment to the RFP.

14. Page L-11, Paragraph Number 3 (“Required Information on Key Personnel”) references “paragraph (b) above”; we assume that “paragraph (b)” is actually the previous paragraph title “2. Resumes.” Please confirm.

You are correct. Paragraph 3 should have referenced paragraph 2 Resumes above and will be changed accordingly in an amendment to the RFP.

15. We noticed that this RFP did not contain the Section L clause “Disclosure of Potential Organizational Conflicts of Interest” that was in the draft conflict of interest language. While the Limitation of Future Contracting clause specifies what types of contracts should be avoided to avoid future conflicts of interest, there is no detailed description of what EPA considers a current conflict of interest (pertaining to current and/or recent historical business). In most of our EPA support contracts, this section is included to provide guidance to contractors as to what to disclose regarding existing real or apparent conflicts of interest. We have found this guidance to be very helpful in developing teams, as several of our subcontractors are concerned about potential conflict of interest situations. A detailed description by EPA helps us to get to the heart of EPA’s concerns in asking our subcontractors to disclose and in helping formulate a workable mitigation strategy for our team. Given the sensitive nature of work to be conducted under this contract, we feel that this type of guidance is crucial for protecting both the contracting community and EPA in terms of interpretations of conflicts of interest. Our experience has been that contractors do not always view an existing conflict of interest the same way as EPA, and specific examples are often helpful to illustrate the Agency's concerns. Given that no guidance is provided on disclosing conflicts, how will EPA evaluate past performance with respect to conflict of interest concerns?

The Disclosure of Potential Organizational Conflicts of Interest provision was removed since potential conflicts of interest are not apparent at this time and will be scrutinized at the work assignment level during contract performance.

16. Please clarify what is required for submitting two proposals for the 70% LOE and 30% LOE contracts. For the cost proposal, may we submit one cost proposal with two pricing sections responding to the two LOE percentages or do we need to submit two complete proposals for each contract (including two sets of pricing, two sets of reps and certs, etc.)? Also, are we required to submit two complete technical proposals?

You may submit one technical and one cost proposal with separate sections for the 70/30 LOE split. The L.11 instructions will be amended accordingly.

17. The Technical Proposal instructions state that resumes are not included against the page limit of 100 pages. Are the 1-page personnel tables included in the 100-page limit?
Yes.

18. The personnel tables ask for “Experience in the following SOW subject competency

areas” (page L-12), but does not name any SOW subject competency areas. What SOW subject competency areas should be addressed in this section of the table?

The Offeror must provide for each of its Key Personnel subject competency information in areas identified by the Offeror during its review of the SOW. (Also see answer to #19 below.)

19. The personnel table calls for “Relevant Project/Contract Experience as it relates to the SOW” in one box, and “Experience in the following SOW subject competency areas” in another box. What is the difference between these items?

The “Relevant Project/Contract Experience” section requires information on projects or contracts the individual worked on that are relevant to the activities described in the SOW. The “Experience in the following SOW subject competency areas” section requires information demonstrating the individual’s knowledge and experience in a subject matter area appropriate to enforcement proceedings, such as Combined Sewer Overflow Investigation (SSO/CSO), Combined Animal Feeding Operations (CAFO), wastewater and treatment plant and pump stations, stormwater discharges, Petroleum Refineries, Power Plant Utilities, industrial and other construction/facilities. Also appropriate would be information such as that which demonstrates the individual’s competency in evaluating, reviewing, and investigating the collection systems and ancillary equipment, experience in standard practices of operations and functioning of a specific facility, and experience in developing remedial measures and corrective actions as parts of judicial consent decrees.

20. At Solicitation clause B.4 - PREPARATION AND SUBMISSION OF WORK PLANS, 3. Approval, sentence (2) references contract clauses entitled “Competition in Subcontracting,” “Subcontracts,” and “Subcontracts Under Cost-Reimbursement and Letter Contracts.” Please provide the solicitation clause number reference for these clauses as referred to in this context.

Section I provisions Competition in Subcontracting (FAR 52.244-5) (DEC 1996), and Subcontracts Alternate II (FAR 52.244-2) (AUG 1998)

21. As many of these answers directly affect an offeror’s ability to fully prepare their proposals until the answers are posted, would EPA please consider granting a time extension—preferably one that is equivalent to the number of days until the response is posted?

The due date for proposals will be extended to May 7 in an RFP amendment.

22. Paragraph (c) of the clause as written would limit all contracting with any party that is 1) subject to the various acts referenced and 2) “may” be impacted by the activities for a work assignment, including both private entities and Federal/State agencies. Will EPA please clarify that the limitation applies only to those parties directly impacted by the subject matter of the work assignment? Additionally, will EPA please clarify if its intent is to limit all contracting with those owners and operators or just contracting with those owners or operators related to the subject matter of work assignments awarded under the contract?

The intent of paragraph (c) of the LOFC clause is not to prohibit any contracting, but to require prior approval by the Contracting Officer before entering into any contract with a

regulated party that may be impacted by work performed under a work assignment.

23. The total period of that contracting is limited is ten years. Would EPA entertain limiting contracting only during the prime contract's period of performance (5 years)?

No, the required approval period is during the life of the contract and for a period of five (5) years after the completion of the contract.

24. In Sample Work Assignment 3: In Section L.II.B), the Background section for Sample Work Assignment #3 requests that the contractor perform inspections at residential construction sites "subject to industrial storm water discharge requirements." Since residential construction sites are NOT subject to industrial storm water regulations, should the sentence refer to "construction" storm water discharge requirements, or "NPDES Phase I" storm water discharge requirements?

The sample SOW is correct to identify residential construction sites. Certain construction activities, including residential developments, are subject to NPDES Phase 1 Storm Water Program. The NPDES Phase 1 Storm Water Program generally applies to "industrial facilities," although construction activities are subject to a different set of requirements and are therefore often considered a different group than the other "industrial" Phase 1 categories. There are 11 categories of activity under the Phase 1 Storm Water Program, and "residential construction" is one of those 11 categories. EPA has investigated residential developers and is developing cases against these developers based on noncompliance with the Phase 1 storm water construction requirements.

25. Sample Work Assignment requires that a process control and technology expert be provided to perform the work related to the XYZ facilities. Can EPA provide additional information regarding the types of processes in use at the XYZ facilities?

No. The sample work assignment manufacturing process is not known. It may vary from case to case depending on the products produced by the company under investigation, such as steel making process or refinery process to produce gasoline or chemical processing to produce an industrial chemical.

26. In Sample Work Assignment #1, "Providing a list of technical experts for this SOW" is listed as a deliverable for the work assignment. Should the list of experts be included as part of the staffing for the Sample Work Assignment response, or should it be assumed to be a deliverable during the performance of the work assignment?

List of experts would be included as part of proposed staffing and not as a deliverable.

27. Does the use of the singular "the XYZ facility" in Task 1 of Sample Work Assignment #1 mean that process simulation modeling of the manufacturing process will only be done at one XYZ facility?

Process simulation could be done for one given plant or it could be more than one facility and/or more than one process.